

January 18, 2022 Town Board Work Session Agenda

OPEN SESSION

- IV-1 9:00 Heather Lanza, Planning Director re: Request to Advertise for Planner Trainee
- IV-2 9:15 Heather Lanza, Planning Director and Mark Terry, Asst. Planning Director re: Discussion of Change of Zone Analysis for Tax Map #1000-38.-7-7.1
- IV-3 9:30 Geb Cook, FIFD District Manager re: Utilization of a Portion of the Fishers Island Ferry District Parking Lot for Green Space
- IV-4 9:45 Michael Collins, Town Engineer and Dan Goodwin, Superintendent of Highways re: Stormwater Abatement Projects Update
- IV-5 10:15 Michael Collins and Tim Abrams re: Update on Building Renovations Project
- IV-6 10:30 Michael Collins re: Alternatives to the Round-About at Love Lane
- IV-7 10:45 Chief Flatley re: Update on January 4, 2022 Zoom Incident (To Possibly Be Referred to Executive for Further Discussion)
- IV-8 Councilman Brian Mealy re: Liaison Update on Anti-Bias Task Force Meeting
- IV-9 Councilwoman Nappa re: Secretary for the Community Outreach Implementation Working Group
- IV-10 Supervisor Russell re: Schedule Code Committee-Chapter 70
- IV-11 Supervisor Russell re: Big House Finalization

EXECUTIVE SESSION

- IV-12 Proposed Acquisition(s), Sale or Lease of Real Property Where Publicity Would Substantially Affect the Value Thereof
11:30 Martin Finnegan and Paul Pawlowski
12:15 Melissa Spiro, Land Preservation Coordinator
- IV-13 Labor- Matters Involving the Employment of a Particular Person(s)
-Town Attorney
- IV-14 Litigation
-Bertault v TOS

OFFICE LOCATION:
Town Hall Annex
54375 State Route 25
(cor. Main Rd. & Youngs Ave.)
Southold, NY



IV-2 1-18-22

MAILING ADDRESS:

P.O. Box 1179
Southold, NY 11971

Telephone: 631 765-1938
www.southoldtownny.gov

PLANNING BOARD OFFICE
TOWN OF SOUTHOLD

MEMORANDUM

To: Scott Russell, Town Supervisor

From: Donald J. Wilcenski, Chairman
Members of the Planning Board

DW
JTM

Date: August 4, 2021

Re: Zoning Analysis for SCTM 1000-38-7-7.1

Enclosed please find the zoning analysis report for the property referenced above. The final page contains a map in color; we are happy to send over additional color copies upon request.

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**PLANNING BOARD OFFICE
TOWN OF SOUTHOLD**

Zoning Analysis

Tax Map #1000-38.-7-7.1

August 4, 2021

Executive Summary

The subject property is a good candidate for rezoning so that future uses are more compatible with the neighborhood as it exists today. Several alternatives for rezoning are available for consideration and can be summarized in two main categories:

1. Rezone the entire parcel Residential-80 (R-80) or Residential-40 (R-40). This is the more restrictive approach; or
2. Split the parcel into two zoning districts, where 6.8 acres are zoned either Resort Residential (RR) or left as Marine II (MII) and the remainder is zoned R-80 or R-40. This is the less restrictive approach.

All the alternatives presented in this report are generally consistent with the Southold Town Comprehensive Plan and the purposes of the Town's zoning code. Zoning the property all R-80 or R-40 is best suited to serve the purposes of protecting the environment and the character of the neighborhood with the R-80 providing the most benefit through limited density. The second approach of splitting the zoning recognizes that maritime and water-enhanced uses are important for the Town's economy while also mitigating impacts to the environment and community character. The RR split-zone option provides a better balance between economic activity and compatibility with the neighborhood character than the MII split-zone.

A. Introduction

The subject property, known as the old oyster factory on Shipyard Lane in East Marion, is zoned based on a former use that was begun in 1940 and ended in the 1980's. That use was the processing and packaging of oysters for General Foods' Long Island Oyster Company. The zoning assigned to this property has been consistent with that use over time – first it was industrial, and then later, the Marine II zone, which remains to this day.

The current zoning of Marine II on this relatively large parcel provides the potential for a commercial use at a scale that is too intense for the existing neighborhood character. The land uses surrounding the subject property have changed significantly since the oyster factory closed in the 1980's. For this reason, a zoning analysis to consider alternative zoning for this property is necessary.

B. Parcel Description

Location: East side of Shipyard Lane 2,286+/- feet south of State Route 25 in the hamlet of East Marion. Figure 1.

Bordered on the south side by Shelter Island Sound. To the west are condominiums and two vacant residential lots, and to the north and east are single family homes on lots averaging $\frac{1}{4}$ to $\frac{1}{3}$ of an acre.

Size: Total 18.38 acres

Wetlands and underwater land: 1.4+/- acres

Land seaward of CEHA: 2.17+/- ac. (0.2 ac. overlap with wetlands)

Total unbuildable: 3.3+/- ac.

Total Buildable lands: 15+/- acres

C. Subject Parcel: Current Zoning (Figure 2.)

Marine II (MII)

The purpose of the MII District is to provide a waterfront location for a wide range of water-dependent and water-related uses, which are those uses which require or benefit from direct access to or location in marine or tidal waters and which, in general, are located on major waterways, open bayfronts or the Long Island Sound.

Uses permitted in this zoning district include commercial marina, boatyard for repair and sales, restaurant, transient hotel/motel, ferries and several others (Table 1. Zoning Districts and List of Uses).

Maximum lot coverage permitted under this zone: 20% = 3+/- acres (130,680 +/- sq. ft.)

D. Subject Parcel: Zoning & Use History

- Building constructed 1940
 - Wholesale plant for processing and packaging oysters
 - Long Island Oyster Farms (owned by General Foods Corporation)
- Original Zoning Map of 1957: “C” Industrial
(as per the zoning map dated August 1, 1956 by Otto W. Van Tuyl & Son)
- 1970’s rezoning: “C-1” General Industrial
(as per the Zoning map last amended 7/12/1988)
- 1989 Town-wide Rezoning: Marine II
- Mid 1980’s: Oyster business closed when oyster population crashed
- Early 2000’s: The Town Local Waterfront Revitalization Plan (LWRP) discussed this property and its potential to continue as a working waterfront. The LWRP also discussed its potential to be a public access to the water, however the extensive remediation and dredging needed to bring the site back to a working boat basin was deemed beyond the means of the Town to accomplish.
- Currently: Remnant buildings remain in a decrepit condition

E. Surrounding Area: Current Zoning (Figure 2.)

- To the North, East and Northwest: Residential-40 (R-40)
- To the Southwest: Resort Residential (RR)

F. Surrounding Area: Zoning History

- 1957 Zoning Map: “A” Residential & Agricultural
- 1988 Map: “A” Residential & Agricultural & the waterfront area to the southwest where Cleaves Pt is located: “M-1” Multiple Residence
- 1989 Rezoning by Town Board: ((resort Residential for Cleaves Pt. MII - as described above in Current Surrounding Zoning

G. Rationale for Rezoning

1. Surrounding area uses have changed

- At the time of the first zoning map in the late 1950’s and early 1960’s, the surrounding area was largely agricultural. The 1962 aerial shows only nine houses on Shipyard Lane (Figure 3.).
- In the 1970’s the surrounding area was still largely undeveloped. The 1978 aerial (Figure 4.) shows there were about 20 houses all on the east side of Shipyard Lane. The west side remained undeveloped and used for agriculture, with the waterfront area being vacant open land.
- The next major town-wide re-zoning was based on a plan written in the mid 1980’s. In 1984, the west side was still largely undeveloped, except that the Cleaves Point Condominium complex of 42 units had begun construction on the waterfront to the southwest (Figure 5.).

- The changes that have happened since the current zoning was put in place include a substantial increase in the number of homes using Shipyard Lane. A total of 38 house lots were created, most of which are now developed with single family homes.
 - 1993: Summit Estates Section 1 Subdivision – 10 house lots
 - 2002: Summit Estates Section 2 Subdivision – 13 house lots
 - 2002: Summit Estates Section 3 Subdivision – 11 house lots
 - 2008: Cleaves Point Manor Subdivision – 4 house lots
- 2. Safety for the residential property owners using Shipyard Lane.

A significant increase in commercial traffic on this narrow residential street would create a potential safety issue for pedestrians and bicyclists if not mitigated.
- 3. The uses permitted in the MII zoning district are no longer compatible with surroundings, especially at the scale possible on this large parcel.

The subject property has a much larger area of upland than most Marine II zoned properties. There are 82 tax parcels in the Town in the MII zoning district, with three of those having a split-zone. The average size of MII-zoned parcels available for commercial development is 2 acres, with the range being 0.04 acres to 18.38 acres. Only three of the MII parcels are comparable in size to the subject property (12, 16 and 16.8 acres), and of those, all but one have a large proportion of that acreage as underwater land. Those three large parcels are all commercial marinas. Another three are between 8 and 9.5 acres in size. The vast majority (67 parcels) are under 2 acres.

The size of this parcel is likely larger than the rebounding oyster industry requires for oyster processing & packaging.

- Oysters are now farmed & processed at smaller scale with the added focus of retail sales

A very large commercial development that the current zoning would permit could have a significant adverse impact on the surrounding area.

Policy 10.4 of the LWRP calls for minimizing adverse impacts of new water-dependent uses by locating them appropriately and avoiding locations where a new use like a marina could cause significant adverse effects on community character.

- There is a lack of transition zoning between the surrounding residential uses and the potential commercial uses on the subject property. The wide range of uses at a larger-than-typical scale could drastically alter the community character and quality of life for neighbors.
4. The property has been dormant for over 35 years under the current zoning. The only proposal for development since the oyster factory closed was so large and intense it

generated many concerns under the State Environmental Quality Review, and the Planning Board issued a positive declaration. They found that there was the potential for many significant adverse impacts from the proposed large resort. That proposal was eventually denied by the Planning Board.

B. Alternatives for Zoning

There are several possible zoning alternatives for this parcel that would accomplish the goal of a development outcome that is more compatible with the surrounding neighborhood and would be much less likely to create significant adverse impacts. They are as follows, in order of most restrictive to least restrictive:

- **Residential-80 (R-80)**

The purpose of the Agricultural-Conservation (A-C) District and the Low-Density Residential R-80, R-120, R-200 and R-400 Districts is to reasonably control and, to the extent possible, prevent the unnecessary loss of those currently open lands within the Town containing large and contiguous areas of prime agricultural soils which are the basis for a significant portion of the Town's economy and those areas with sensitive environmental features, including aquifer recharge areas and bluffs. In addition, these areas provide the open rural environment so highly valued by year-round residents and those persons who support the Town of Southold's recreation, resort and second-home economy.

Changing the zone to the R-80 district can be supported because it will greatly reduce the potential impacts to the neighborhood by ensuring the future uses on the property are essentially the same as the surrounding uses, which are residential. And it will greatly reduce the potential impacts to the water quality of the bay by potentially reducing the number of septic systems. Although all new homes will be required to install the new Innovative/Alternative On-site Wastewater Treatment Systems (I/A OWTS), those systems still allow a certain amount of nitrogen pollution to enter the groundwater and flow into the bays.

The R-80 zoning district uses are listed in Table 1. They are limited mostly to residential development, but include agriculture and aquaculture (land-based).

If developed with single family homes, each home requires a minimum available area of 80,000 sq. ft. per lot, and clustering is required. At least 60% of the buildable land would be required to be set aside as open space.

- Buildable Land: 15+/- acres
- Potential Residential Lot Yield Estimate: 6 to 8+/- lots (average $\frac{3}{4}$ acre lots)
- 60% open space to be preserved: 9 +/- acres

- **Residential-40 (R-40)**

The purpose of the Low-Density Residential R-40 District is to provide areas for residential development where existing neighborhood characteristics, water supply and environmental conditions permit full development densities of approximately one dwelling per acre and where open space and agricultural preservation are not predominate objectives.

Changing the zone to the Residential-40 district could also be supported because it is the predominant surrounding zoning. This zoning district will also greatly reduce the potential impacts to the neighborhood by ensuring the future uses on the property are essentially the same as the surrounding uses, which are residential. The effect of this zoning district on mitigating future groundwater and surface water pollution by septic systems will be less than R-80 because it allows twice as many homes.

The R-40 zoning district uses are listed in Table 1. They are largely the same as the R-80 zoning district and are limited mostly to residential development. If developed with single family homes, 60% of the buildable land would be set aside as open space, and the lots would be clustered.

- Buildable Land 15+/- acres
- Potential Residential Lot Yield Estimate: 12 to 15 +/- lots
- 60% open space to be preserved: 9 +/- acres

- **R-80 or R-40 and Resort Residential (RR) Split-zoning:**

Another alternative would be to split the zoning of the subject parcel to help create a transition between residential and commercial development. This alternative also retains some commercial use for the property at a scale that is more compatible with the neighborhood by rezoning some of the property from MII to RR.

The Resort Residential (RR) zoning district's purpose is to provide opportunity for resort development in waterfront areas or other appropriate areas where, because of the availability of water and/or sewers, more intense development may occur consistent with the density and character of surrounding lands. Zoning a portion of this property as RR would allow many of the same uses as the MII zoning district, with the exception of some of the more intense uses such as boat yards, boat repair shops, marinas for commercial boats, fish markets, fish processing plants and ferries (Table 2. Comparison of uses in the MII & RR zoning districts).

A gauge for how large of an area might be zoned RR and still be compatible with the neighborhood is the adjacent Cleaves Point Condominiums development, which is currently zoned RR. The Cleaves Point Condominiums include 44 units. These

condominium were developed under a different zoning district in the mid-1980's, and there is no opportunity using today's zoning districts to create an exact replica. And while traditional condominium development is not an allowed use in the RR zoning district, the Cleaves Point development provides a scale for comparison on which to base a proposed split-zoned area for the subject property.

One of the allowed uses in the RR zoning district is a resort hotel. The most recent resort hotel developed in Southold Town is the Cliffside Condominium Resort in Greenport. This resort development has an ownership model like a condominium, but with limitations on year-round occupancy and other requirements so it meets the code requirements of a resort hotel. Another requirement is that the units are no larger than 600 sq. ft.

The number of hotel units permitted in the RR zone are calculated based on the Town Code. The Town states that each hotel unit requires 4,000 or 6,000 sq. ft. per unit. The lower number (4,000 sq. ft. per unit), is permitted when there is public water and sewer.

The Town has no public sewers available in this location, however a private on-site sewage treatment plant might be considered an acceptable alternative. A definitive answer on whether 6,000 sq. ft. per hotel unit or 4,000 sq. ft. per hotel unit would be allowed can only be determined by review of a specific development proposal and Town and County agencies agreeing on the density. Any change of zone at the subject property prior to a specific development proposal will need to be based on the knowledge that the number of hotel rooms could potentially be at a rate of one unit per 4,000 sq. ft. of buildable land area.

A map showing what four acres of buildable land would look like is shown in Figure 6. The map includes 2.75 acres of wetlands, underwater land and land seaward of the Coastal Erosion Hazard Area (CEHA) which are all considered unbuildable.

The remainder of the property, about 10.88 +/- acres, could be zoned R-80 or R-40. The R-80 or R-40 area would function as a transition zone, with the clustered open space also functioning as a buffer to the flood zone.

The potential zoning line showing where the RR could be located takes into account that the RR zone would likely want to make use of the boat basin, as well as providing waterfront beach access to the R-80 or R-40 zoned area.

The R-80 option in the split-zone alternative provides greater benefit than R-40 as a transition between the other neighbors and the remaining potential commercial use because the lots are larger, providing more opportunity for greater distances between the uses, as well as screening plantings.

The RR zoned portion, at 6.8 acres, including the boat basin and tidal wetlands, would have many of the same uses as the current MII zone (Table 2. Comparison of Uses in the MII and RR zoning districts).

Potential Use Scenarios for Split-zone with RR and R-80 or R-40

The resulting development potential of a split-zone with RR and R-80 or R-40 would be as follows if a resort hotel is chosen for the RR-zoned area:

- 29 to 44-unit resort hotel
 - Accessory uses for hotel may include:
 - Restaurant (not open to the public – for hotel use only)
 - Private Docks/marina (for hotel use only)
 - Beach Cabana
 - Swimming Pool
 - Conference & Meeting Facilities
- 5 to 11 single-family house lots

A restaurant and marina that are open to the public could also be included, but each would require 40,000 sq. ft., which would reduce the number of hotel units allowed by the corresponding amount of square footage deducted from the total buildable land.

Below is the detailed breakdown of how the above yield was calculated:

- RR area (split-zone): 6.8 acres.
 - Total unbuildable 2.75+/- acres
 - 1.45+/- acres in CEHA
 - 1.3+/- acres in tidal wetlands (not including overlap with CEHA)
 - Total buildable: 4.05+/- acres
 - $4.05 \text{ acres} \div 4,000 (6,000) \text{ sq. ft. per unit} = 44 (29) \text{ hotel units}$
- R-80 area or R-40 (split-zone): 11.58 +/- acres
 - Unbuildable: 0.7 acres in CEHA
 - Buildable: 10.88+/- acres
 - Open Space: 60% of 10.88 acres = 6.5+/- acres
 - Number of House Lots:
 - R-80: $10.88 \text{ acres} \div 80,000 \text{ sq.ft. per lot} = 5+/- \text{ lots}$
 - R-40: $10.88 \text{ acres} \div 40,000 \text{ sq.ft. per lot} = 11+/- \text{ lots}$

There are other uses permitted in the RR zoning district, including restaurants, beach and yacht clubs, and conference facilities. These types of developments would be controlled by lot coverage in terms of the amount of building that could happen. The maximum lot coverage for building in the RR is twenty-five percent of the buildable land. For the subject parcel, that would allow up to 43,560 sq. ft. (1 acre) of buildings. As stated in the Town Code 280 *Zoning Attachment 1 Density and Minimum Lot size Schedule for*

Residential Districts, each use would require a minimum of 40,000 sq. ft. of buildable land area.

- **R-80 or R-40 and Marine II (MII) Split-zoning:**

There is very little MII zoning in the Town. The Town's Comprehensive Plan and the Local Waterfront Revitalization Plan both encourage retaining working waterfronts.

The purpose of the Marine II (MII) District is to provide a waterfront location for a wide range of water-dependent and water-related uses, which are those uses which require or benefit from direct access to or location in marine or tidal waters and which, in general, are located on major waterways, open bayfronts or the Long Island Sound.

The MII zoning district does not allow a "resort" hotel and instead allows transient hotels. The main differences between a resort and transient hotel are listed below in Table 3. *Comparison of Resort and Transient Hotel Definitions from Southold Town Code.*

Under the MII zoning district the property could be developed more intensely with both a hotel and restaurant, as well as a commercial marina. Large boat storage buildings are also permitted. The uses other than transient hotel are regulated by lot coverage, up to 30%, and also require 80,000 sq. ft. per use. An area of 6.8 acres could yield up to two acres of buildings, and as many as three of those other allowed uses.

The MII zoning district could potentially provide more higher-quality jobs than the RR district, depending on the type of development.

C. Discussion and Comparison of the Alternatives

Conformance with the purpose of the Town zoning ordinance

All of the alternatives discussed above would meet the purposes of the Town zoning code to some extent (Table 4.)

The first two alternatives, zoning the property all R-80 or R-40, are best suited to serve the purposes of protecting the environment and the character of the neighborhood with the R-80 providing the most benefit.

One drawback to both of those options is that they eliminate an economic opportunity for the waterfront beyond that of luxury waterfront homes. Some consideration must be given for whether or not there would be a benefit to the Town overall to allow for some commercial use of this unique boat basin. The split-zoned option would accomplish this. Is there some level of commercial development here that would not cause significant adverse impacts?

Could the boat basin be restored to a working waterfront at a smaller scale than what it was in the past?

Consistency with Town Comprehensive Plan

The Town adopted the Southold Town Comprehensive Plan in 2020. All of the alternatives would be consistent with the Town's Comprehensive Plan. The re-zoning itself is contemplated in general in the plan in Chapter 3 *Land Use*. Chapter 3 includes goals to update the zoning town-wide, with one of the important issues being transitions between residential and commercial zones. The subject property is one that lacks a transition zone between potential future commercial uses and the adjacent residential zones.

Chapter 3 also includes a goal specific to East Marion that calls for reducing impacts from noise and light pollution by identifying incompatible uses located near residential neighborhoods. This report follows through on that goal which also calls for evaluating the effectiveness of the Town Code to control those potential impacts. The Marine II zoning district, as it currently exists on this entire property, has a lot of potential for noise and light pollution and incompatible uses located near the residential neighborhoods bordering it.

The specific references to Chapter 3 are as follow:

- Chapter 3 *Land Use*.
 - Goal 2: Update Zoning Town-wide.
 - Objective 2.1, C. Transitional Zoning Update calls for the Town to evaluate, identify and improve transitional zoning areas where necessary and feasible.
 - Sub-item 2 calls for the identification of areas with transitions from commercial to residential that lack transitional zoning to determine whether it can be added.
 - Sub-item 3 calls for evaluation of areas with transitional zoning to determine whether or not some other zone is more appropriate given the current pattern of land use.
 - Chapter 3 Land Use & Zoning: East Marion hamlet section.
 - 1. Goal B calls for preserving the rural quality of life, which relates to Chapter 5. Community Character and Goal 3 to Preserve the Quality of Life in Residential Neighborhoods.
 - a. Objective 3.3. Reduce impacts from noise and light pollution. Identify incompatible uses located within or near residential neighborhoods. Evaluate the effectiveness of the relevant Town Code sections to control the impacts from those uses.

Chapter 7, *Economic Development*, discusses the important or supporting existing and future maritime uses as an important business sector within the Town's economy. It is in this chapter (Goal 5, Objective 5.1) that support for a use that is either water-dependent or water-enhanced is found. By reference to the Town's Local Waterfront Revitalization Plan (LWRP) it supports the idea of traditional maritime uses and other water-enhanced uses as important

for the Town's economy. Thus the idea of a split-zone on this property to allow for some economic activity is consistent with the comprehensive plan. The RR split zone option provides a better balance between economic activity and compatibility with the neighborhood than the MII split zone.

Chapter 12, *Natural Hazards*, contains a goal to mitigate the effects of natural hazards such as sea level rise and coastal storms. Zoning the property all R-80 would be most consistent with the Natural Hazards Chapter of the Comprehensive Plan because it will provide the least amount of development along the shore, the most vulnerable location for coastal flooding and destruction from storms and sea level rise. The other zoning alternatives, which allow a larger amount of development, could be developed in such a way as to minimize and mitigate the effects of natural hazards like sea level rise, but to a somewhat lesser degree.

D. Other Zoning Districts Considered – Not Viable Alternatives

Hamlet Density

The HD zoning district is not permitted in this location by Town Code and not recommended – it would require a code change to allow it to be in more locations geographically, and that zone's purpose is not suited to high-end high density housing.

The purpose of the Hamlet Density (HD) Residential District is to permit a mix of housing types and level of residential density appropriate to the areas in and around the major hamlet centers, particularly Mattituck, Cutchogue, Southold, Orient and the Village of Greenport.

Marine I

The purpose of the Marine I (MI) zoning district is to provide a waterfront location for a limited range of water-dependent and water-related uses, which are those uses which require or benefit from direct access to or location in marine or tidal waters but which are located within the Town's tidal creeks or natural coves.

This property is not located in a creek or natural cove, and so this zoning district was not considered for that reason. Marinas, boatyards and boat repair are all allowed in the MI zoning district, as are large boat storage buildings, mariculture and aquaculture operations. Restaurants and hotels are not permitted. The boat basin on the subject property is relatively small.

E. Procedures for amending the Zoning Code or Zoning Map

Town Code § 280-157 Procedures.

The Town Board, upon its own motion or by petition, may, from time to time, amend, supplement, change, or modify this chapter, including the Zoning Map, by proceeding in the manner provided in this article. For the purposes of this article, an amendment also includes, but is not necessarily limited to, a supplement, change, or modification.

- A. The Town Board, by resolution adopted at a stated meeting, shall fix the time and place of a public hearing on the proposed amendment and cause notice thereof to be given pursuant to the provisions of the Town Law. At least 10 days' notice of the time and place of such hearing shall be published in the official newspaper.*
- B. The Town Board, before publishing notice for a public hearing, shall, in a written request, instruct the Town Planning Board to prepare an official report regarding the proposed amendment, including the Planning Board recommendations.*

Additional procedures:

- Suffolk County Planning Commission Referral
- State Environmental Quality Review (SEQR) Determination by Town Board
 - Classify the Action - Type I Action
 - Designate if it will be a Coordinated or Uncoordinated Review
 - Declare Lead Agency
 - SEQRA Determination
 - Publish in the Environmental Notice Bulletin
- Official Zoning Map:
 - Use GIS to establish the new zoning lines if a split-zone is chosen.
 - Note that the exact zoning line that runs along the shoreline needs a mention in the adopting resolution to account for shifts in the property line as result of seal level rise and/or erosion that may be shown on a future survey. There may be mentions of this circumstance in the existing zoning ordinance or in previous zoning local laws.

Tables

1. List of Uses in Zoning Districts

USES 1: Permitted, 2: Special Exception 3: Accessory	ZONING DISTRICTS				
	MI	MII	RR	R40	R80
Accessory apartment (1) in existing one-family dwelling (rental permit required)			1	1	1
Accessory apartment in existing detached accessory building (rent to family or affordable housing registry)			2	2	
Accessory buildings, structures necessary for community sewers, water, heat to buildings on premises			3		
Accessory residential structures (sheds, pool, tennis court)			3	3	
Agriculture			1	1	1
Any customary structures or uses which are customarily incidental to the principal use, except those prohibited by this chapter.	3	3		3	
Aquaculture	2	1			
Aquaculture, Land Based (min. 7 acres)			1	1	1
Art Gallery		2		2	
Bed & Breakfast	2	2	1	2	
Boat docking noncommercial			3	3	
Boat docks, slips, piers, wharves for pleasure or fishing trips, or for vessels engaged in fishery or shellfishery	1	1			
Boat repair	1	1			
Boat sales	1	1			
Boat storage (boats for personal use, rear yard only)			3	3	
Boatyards for building, storing, repairing, renting selling or servicing boats, rest room and laundry facilities	1	1			
Cemeteries				2	
Child care				3	
Children's Recreation Camp (seasonal use)					2
Clubs, Annual membership clubs (country clubs) (Beach, tennis, golf) 3 acres min lot size			2	2	2
Clubs: Beach, Yacht, boat including accessory pools, tennis courts (RR: Yacht Club only)	2	1	2		

Zoning Analysis: Tax Map #1000-38.-7-7.1

<i>Table 1. Continued</i>					
USES 1: Permitted, 2: Special Exception 3: Accessory	MI	MII	RR	R40	R80
Conference Facilities (Min. 5 acres)			2		
Continuing Care and Life Facilities (Nursing Home)				2	2
Direct Marketing of Aquaculture or Mariculture products				3	
Dwelling, One family detached (MI & MII zones: ne one-family detached dwelling per single and separate lot of record in existence as of 1/10/1989)	1	1	1	1	1
Dwelling, Two-family			2	2	2
Farm Labor Camp					2
Ferry Terminal		2			
Fish Markets		2			
Fish processing plants		2			
Garage, private			3	3	
Gift shop accessory to a winery				3	
Health Care, (in A-C/R40/HB/B/RO: excluding facilities for the treatment of drug addiction)				2	2
Historical Society				2	2
Home occupation	3	3	3	3	
Horses and domestic animals				3	3
Hotels, Resort (Min. 5 ac)			2		
Hotels, Transient (MII Min:3 ac, RR Min. 5 ac)		2	2		
Laundry facilities (accessory)			3		
Library				2	
Mariculture	2	1			
Marinas for docking of commercial boats	1	1			
Marinas for docking of non-commercial/recreational boats	1	1	2		
Motels, Resort (Min. 5 ac.)			2		
Motels, Transient (MII Min:3 ac, RR Min. 5 ac)		2	2		
Museum (MII: with nautical theme)		2		2	
Parking, off-street residential (AC6)			3	3	
Philanthropic or religious institutions				2	2
Places of worship				2	2
Public structures & uses (Town, Fire, School, Park Districts)	1	1	1	1	1
Public utility right of ways, structures, installations			2	2	

Zoning Analysis: Tax Map #1000-38.-7-7.1

Table 1. Continued					
USES 1: Permitted, 2: Special Exception 3: Accessory	MI	MII	RR	R40	R80
Restaurant (except drive-in or formula)		2			
Restaurants ("Freestanding")		2	2		
Retail, rental of fishing, diving, bathing supplies accessory to marina or boatyard	1	1			
Sanitary facilities (accessory)			3		
Schools, nursery				2	2
Schools, private (non-profit) (5+acres)				2	2
Stables & Riding Academies				2	2
Tourist Camps			2		
Veterinarian or animal hospital					2
Wind Turbine; Small wind energy system (>7 ac parcel)			1	1	1
Wineries				1	1
Yard sales, garage sales, or similar				3	

2. Comparison of uses between the MII & RR zoning

USES 1: Permitted, 2: Special Exception 3: Accessory	MI	RR
Accessory apartment (1) in existing one-family dwelling (rental permit required)		1
Accessory apartment in existing detached accessory building (rent to family or affordable housing registry)		2
Accessory buildings, structures necessary for community sewers, water, heat to buildings on premises		3
Accessory residential structures (sheds, pool, tennis court)		3
Agriculture		1
Any customary structures or uses which are customarily incidental to the principal use, except those prohibited by this chapter.	3	
Aquaculture	1	
Art Gallery	2	
Bed & Breakfast	2	1
Boat docking noncommercial		3
Boat docks, slips, piers, wharves for pleasure or fishing trips, or for vessels engaged in fishery or shellfishery	1	
Boat repair	1	
Boat sales	1	
Boat storage (boats for personal use, rear yard only)		3
Boatyards for building, storing, repairing, renting selling or servicing boats, rest room and laundry facilities	1	
Clubs, Annual membership clubs (country clubs) (Beach, tennis, golf) 3 acres min lot size		2
Clubs: Beach, Yacht, boat including accessory pools, tennis courts (RR: Yacht Club only)	1	2
Conference Facilities (Min. 5 acres)		2
Dwelling, One family detached (owner-occupied required in certain zones)(MI & MII zones: ne one-family detached dwelling per single and separate lot of record in existence as of 1/10/1989)	1	1
Dwelling, Two-family (owner-occupied required in certain zones)		2
Ferry Terminal	2	
Fish Markets	2	
Fish processing plants	2	
Garage, private		3
Home occupation	3	3

Zoning Analysis: Tax Map #1000-38.-7-7.1

Table 2. Continued

USES 1: Permitted, 2: Special Exception 3: Accessory	MII	RR
Hotels, Resort (Min. 5 ac)		2
Hotels, Transient (MII Min:3 ac, RR Min. 5 ac)	2	2
Land-based Aquaculture (min. 7 acres)		1
Laundry facilities (accessory)		3
Mariculture	1	
Marinas for docking of commercial boats	1	
Marinas for docking of non-commercial/recreational boats	1	2
Motels, Resort (Min. 5 ac.)		2
Motels, Transient (MII Min:3 ac, RR Min. 5 ac)	2	2
Museum (MII: with nautical theme)	2	
Parking, off-street residential (AC6)		3
Public structures & uses (Town, Fire, School, Park Districts)	1	1
Public utility right of ways, structures, installations		2
Restaurant (except drive-in or formula)	2	
Restaurants ("Freestanding")	2	2
Retail, rental of fishing, diving, bathing supplies accessory to marina or boatyard	1	
Sanitary facilities (accessory)		3
Tourist Camps		2
Wind Turbine; Small wind energy system (>7 ac parcel)		1

3. Comparison of Resort and Transient Hotel Definitions from Southold Town Code.

	Resort (RR only)	Transient (RR & MII)
Detached units	Y	Y
Connected (externally attached) units	Y	Y
Room available for use as sleeping quarters for transients on a daily basis	Y	Y
Accessory Restaurant	Y	Y
Accessory Swimming Pool	Y	Y
Accessory Personal Services	Y	Y
Accessory Office	Y	Y
Accessory Off-street parking facility	Y	Y
Room available for use as sleeping quarters for transients on a weekly basis	Y	
Cooking facilities in the room	Y	
Accessory beach cabana	Y	
Accessory Private Dock	Y	
Accessory Dining Room	Y	
Accessory conference & meeting facilities	Y	
Accessory Convenience Shop	Y	

Table 4. Purposes of the Town Zoning Code

A.	The facilitation of the efficient and adequate provision of public facilities and services.
B.	The assurance of adequate sites for residence, industry and commerce.
C.	The provisions of privacy for families.
D.	The prevention and reduction of traffic congestion so as to promote efficient and safe circulation of vehicles and pedestrians.
E.	The maximum protection of residential and historic areas.
F.	The gradual elimination of nonconforming uses.
G.	The enhancement of the appearance of the Town of Southold as a whole, particularly its open and rural environment.
H.	The encouragement of flexibility in the design and development of land in such a way as to produce the most appropriate use of lands, to facilitate the adequate and economical provision of streets and utilities and to preserve the natural and scenic qualities of open lands.
I.	The fostering and protection of agriculture and fisheries.
J.	To make provision for, so far as conditions may permit, the accommodation of solar energy systems and equipment and access to sunlight necessary therefor.
K.	The protection of the subsurface water supply and surface waters.
L.	The protection and enhancement of the coastal environment.

Figures

Figure 1. Location Map for 1000-38-7-7.1

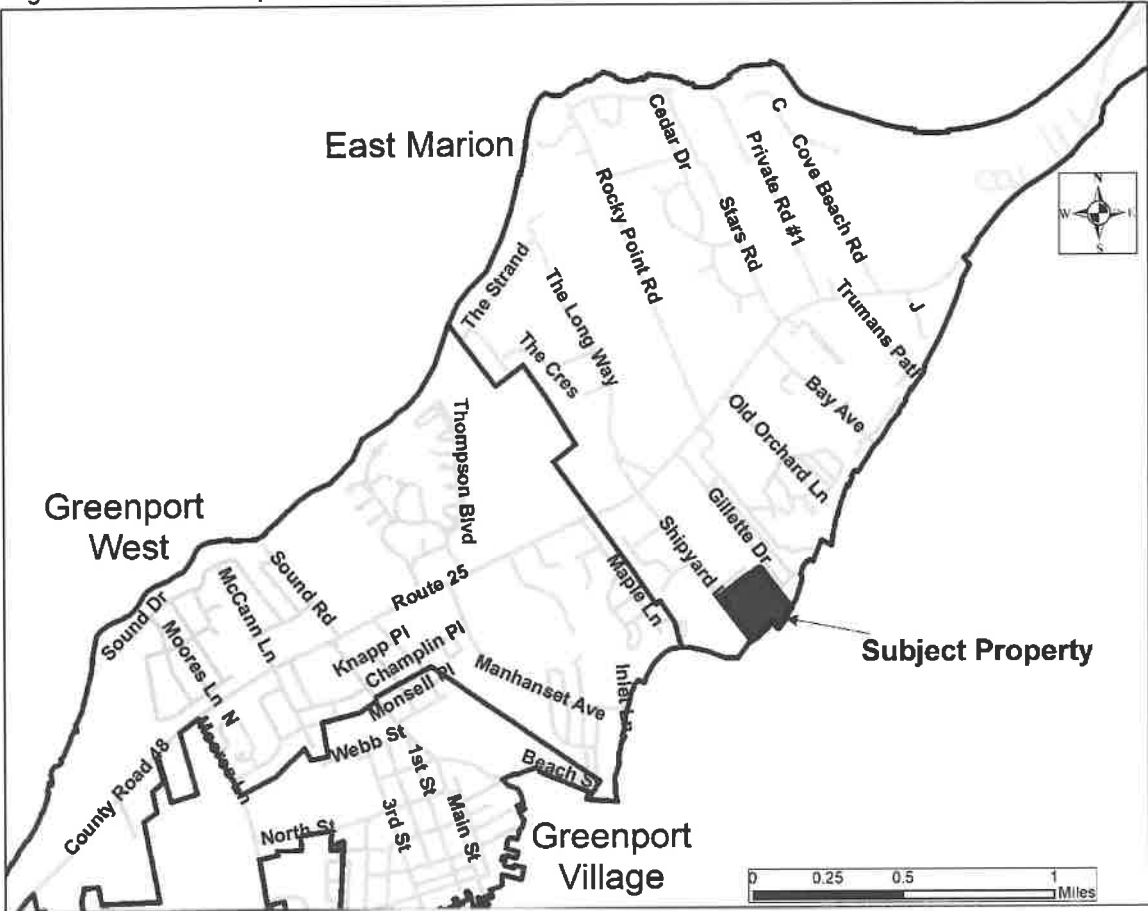


Figure 2. Current Zoning of Subject Property & Surrounding Land

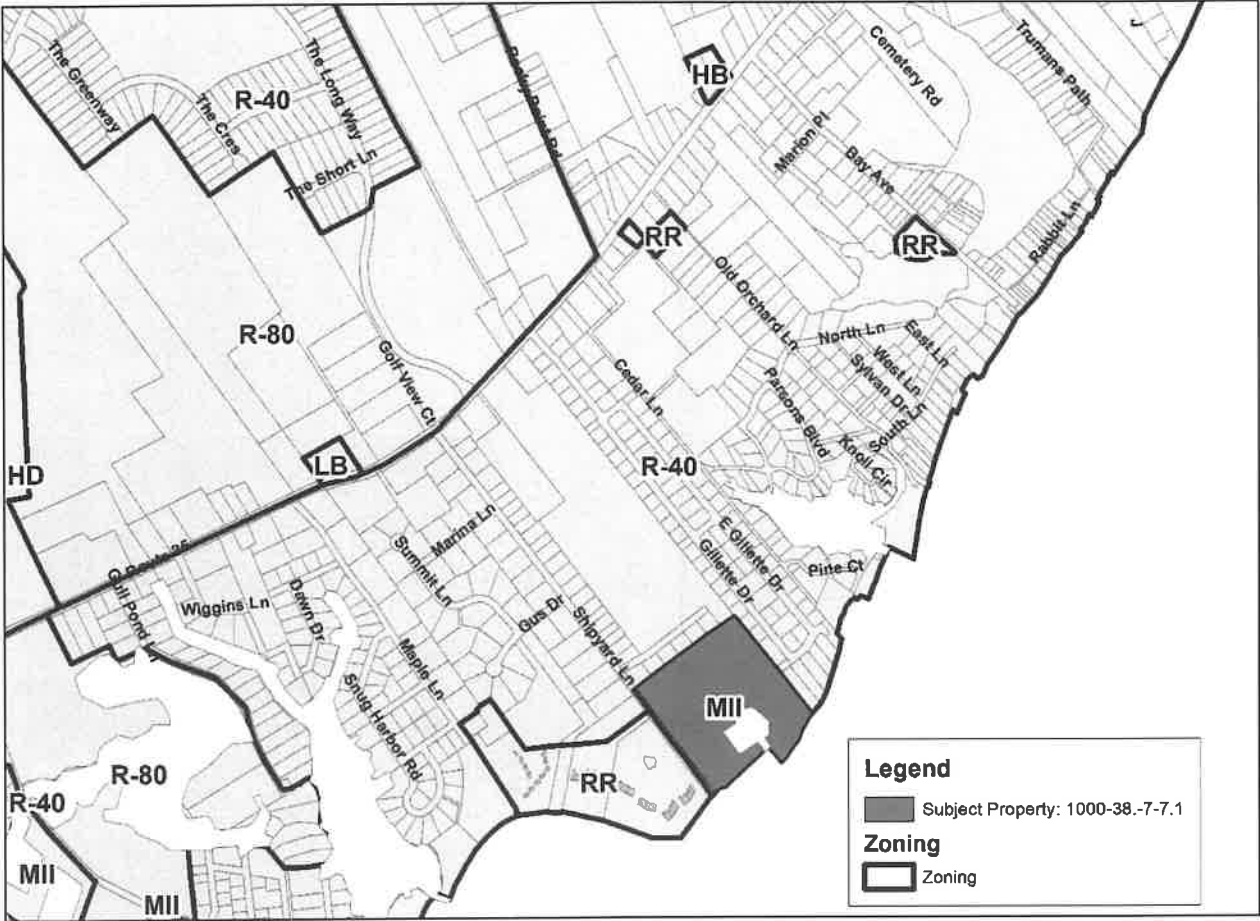


Figure 3. 1962 Aerial



Figure 4. 1978 Aerial



Figure 5. 1984 Aerial

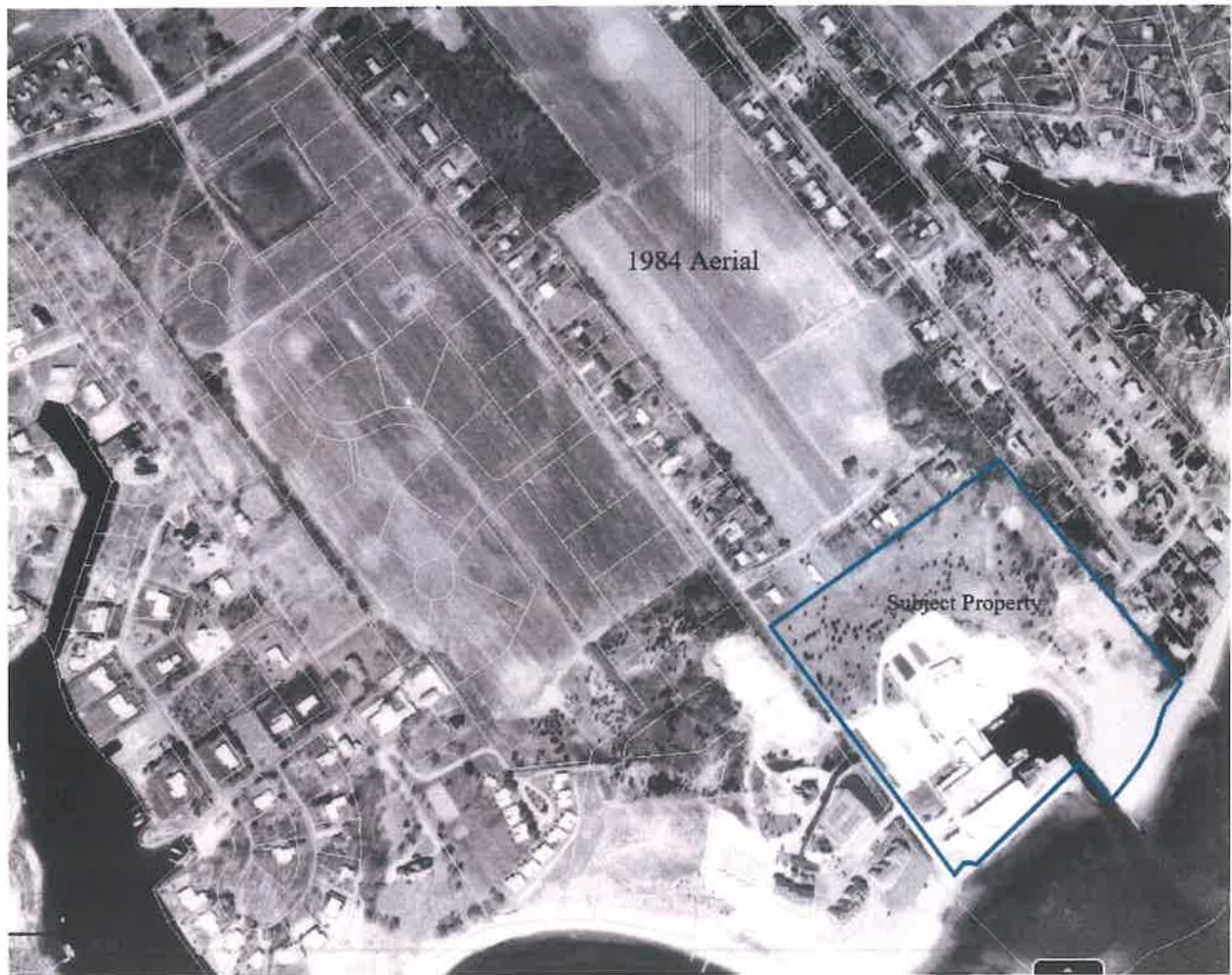


Figure 6. Map of Split-zone Alternative

